

**BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
Washington, D.C.**

DEPT. OF TRANSPORTATION
DOCKET SECTION
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PASSENGER MANIFEST INFORMATION
Notice 96-23

) Docket No. OST-95-950 - 45
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**COMMENTS OF THE
AMERICAN SOCIETY OF TRAVEL AGENTS, INC.**

The American Society of the Travel Agents, Inc. ("ASTA") submits these comments in response to Notice 96-23, 61 Fed. Reg. 47692 (September 10, 1996).

ASTA is the world's largest trade association of professional travel agents, representing approximately 16,000 domestic agency locations and members in approximately 168 foreign countries. Travel agents account for 75 to 80 percent of all airline sales in the United States, with estimates as high as 95 percent for international air transportation. International air transportation accounts for almost thirty percent of total air sales by U.S. travel agencies.

We are astonished that the Department is proposing a rule here that it has estimated to cost the air travel industry up to \$320 million dollars (present value) in the next ten years and which will cost travel agencies alone \$4.3 million a year.¹ These costs

¹ We believe these estimates are seriously short of reality. The 40 second estimate put forward by British Airways is a gross underestimate of the average time that will be required to solicit, explain, answer questions about and collect the information contemplated by this proposed rule.

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are estimated to arise from a system in which every airline gets to choose for itself how to comply with the rule, so that in the end there may be dozens of "systems" in place and many of these "systems" may require some degree of involvement from travel agencies. This is a formula for chaos and a virtual guarantee that the rule will fail to achieve at least some of its objectives.

The essence of the problem to which this rule is addressed is one of collecting a few pieces of information about each passenger that plans to board an aircraft, with the single goal of making a composite list of that information available to certain people and groups in the event (happily extremely rare) of an aviation accident. The NPRM takes this focused problem and creates a massive web of compliance and coordination issues. Nowhere does the proposal discuss why a simple cloning of the standard Customs Declaration form, to be completed at the airport by each enplaning passenger, would not adequately solve the entire problem. Since the airlines are not required to verify the information provided to them, the cloned Customs form can simply be collected, put in a pile (or envelope) by the gate attendant (who typically is compiling other piles of ticket coupons and boarding passes), turned in to a central depository at the airport, where, in the extremely unusual instance of actual need to draw upon it, the pile, or envelope, can be quickly retrieved and copied and the needed information supplied to the government and to others who are entitled to it. There is no need to reprogram computers or establish hundreds of varying and confusing procedures to collect, centralize and reproduce these few pieces of information.

The traveling public is relatively accustomed to filling out Customs Declaration forms when traveling internationally. One more short and simple form will be neither daunting nor oppressive. Airline personnel are used to handling such forms and with appropriate signage and supplies of forms in the gate areas, the completion process should be relatively straightforward.

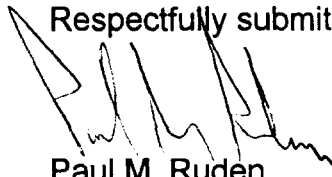
Consider some of the alternatives that are implicit in the rule as proposed in the NPRM. Suppose, for example, that all four CRS's reprogram their CRS's to hold the information in the Passenger Name Record and to aggregate the information in a single report on demand. Further suppose that one or more airlines then direct travel agents to obtain the information at issue and put it in the PNR. Now what? Agents will spend their, and their clients', time requesting this information and some people will actually provide it. Others will say they'll provide it at the airport because (a) "I don't have my passport with me now," or (b) "I don't have a passport yet," or (c) other reason. At flight time, airline personnel will have to check each PNR in the computer to assure that the full information is there and, if not, request that passenger, who likely may have forgotten all about the issue, to present themselves at the podium to answer a few questions. Aside from the delays and inefficiencies, these questions are going to raise privacy issues for some people, leading to more conflict, confusion and delay in the gate area.

Our proposal is the only way to assure that the information collected will match the persons actually flying on the flight. The other major advantage of this approach is that there will be one rule, a simple one that the public can understand. Enforcement will be

easier because it will be centralized and uniform, and the information will be collected just before flight time, assuring completeness and accuracy.

ASTA does not believe there is any justification for imposing the costs of this rule on the industry until our alternative has been tried.² If our proposal is to be rejected, there should be some explanation of why it is not the preferable approach to a regime that is conceded to cost more than \$300 million over ten years to collect information that, while very important when it is needed, is only needed a couple of times a year.

Respectfully submitted,



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November 11, 1996



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² The travel agency cost data that the Department seeks is not available anywhere to our knowledge. The closest proxy for it may be found in the annual survey of travel agency compensation, published in the August, 1996, issue of Travel Counselor magazine, published by the Institute of Certified Travel Agents.